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2 UNITED STATES DISTRICT COURT  
3  
4 NORTHERN DISTRICT OF CALIFORNIA  
5  
6 SAN FRANCISCO DIVISION

7 **IN RE: UBER TECHNOLOGIES, INC.,  
8 PASSENGER SEXUAL ASSAULT  
9 LITIGATION**

No. 3:23-md-03084-CRB-LJC

**PLAINTIFFS' NOTICE OF MOTION AND  
MOTION TO PRODUCE DOCUMENTS  
PURSUANT TO 15 U.S.C. § 1681B(A)(1)**

Magistrate Judge: Honorable Lisa J. Cisneros

10 This Document Relates to:

11 All Cases

12 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD, AND TO**  
13 **ACCURATE BACKGROUND AND ITS COUNSEL:**

14 Please take notice that on a date and time to be set by the Court, before the Honorable Lisa J.  
15 Cisneros in Courtroom G on the 15th Floor of the San Francisco Courthouse for the above-entitled  
16 Court, located at 450 Golden Gate Avenue, San Francisco, CA 94102, Plaintiffs by and through the  
17 undersigned counsel, will and hereby do, move the Court for an Order pursuant to 15 U.S.C.  
18 § 1681b(a)(1) for the potential disclosure of consumer reports furnished to Defendant Uber  
19 Technologies, Inc. by third party Accurate Background, LLC (successor in interest to Hirease, Inc.)  
20 (“Accurate”).

22 **BACKGROUND**

23 Through Defendant Fact Sheet (DFS) discovery, Uber was required to produce background  
24 checks it obtained for the Uber drivers who Plaintiffs allege sexually harassed and assaulted them  
25 during Uber rides (collectively, the “subject drivers”). PTO 10. However, despite Uber’s purported  
26 policy of obtaining background checks for all drivers on an annual basis, Uber’s productions did not  
27 include background checks for all drivers, for every year. Indeed, Plaintiffs considered Uber’s DFS  
28

production substantially deficient. See, e.g., ECF 2849 at 5–6. To ensure that they had a full and complete record of all background checks performed on subject drivers on Uber’s behalf, counsel for bellwether plaintiffs issued third party subpoenas to the entities that Uber used to perform background checks on its drivers, including Accurate. Hoefs Decl. Ex. A, Accurate’s Objections and Responses to Bellwether Plaintiffs’ Subpoenas. Subpoenas were served on Accurate in connection with the following cases:

Case Number	Plaintiff
3:24-cv-07019	LCHB128
3:23-cv-06708	Jaylynn Dean
3:24-cv-07940	B.L.
3:24-cv-07821	A. R. 2
3:23-cv-04972	C.L.
3:24-cv-05027	WHB 1898
3:24-cv-01915	A.G.
3:24-cv-01827	T.R. for A.R. [A.R.1]
3:24-cv-09217	T. L.
3:24-cv-05028	WHB 407
3:24-cv-04889	WHB 318
3:24-cv-04900	WHB 832
3:24-cv-08783	Jane Doe QLF 001
3:24-cv-05281	K.E.
3:24-cv-06669	Jane Roe CL 68
3:24-cv-04803	WHB 1486
3:24-cv-08937	Amanda Lazio
3:24-cv-05230	WHB 1876
3:24-cv-07228	D. J.
3:24-cv-03335	J.E.

Each subpoena that the bellwether plaintiffs served on Accurate contained an identical Request 1:

Please produce all documents YOU generated relating in any way to the Subject Driver, whether or not shared with Uber, including but not limited to the complete background check and any background check re-runs.

1 *See id.* The “Subject Driver,” or the driver who had committed sexually assaulted or harassed the  
2 bellwether plaintiff during the Uber ride that forms the basis of her lawsuit, was identified  
3 individually in each subpoena. Requests 2 and 3 have been resolved.

#### 4 ARGUMENT

5 Accurate is a consumer reporting agency that potentially generated consumer reports (i.e.,  
6 background checks reports) on the Uber’s drivers within the meaning of the Fair Credit Reporting  
7 Act (FCRA), 15 U.S.C. § 1681 *et seq.* 15 U.S.C. § 1681a(d), (f) on behalf of Defendant Uber  
8 Technologies, Inc.. Accordingly, Accurate “may furnish a consumer report” under the circumstances  
9 delineated by 15 U.S.C. § 1681b(a) “and no other.” These circumstances include furnishing a report  
10 “in response to the order of a court.” 15 U.S.C. § 1681b(a)(1); *Young v. Trans Union*, 616 Fed.Appx.  
11 301, 302 (9th Cir. 2015) (“consumer reporting agencies may furnish consumer reports in response to  
12 a proper court order”). In response to Request 1, Accurate stated “upon entry of an appropriate §  
13 1681b order, and pursuant to the applicable Protective Order, Accurate will produce any responsive,  
14 non-privileged documents in its possession.” Hoefs Decl., Ex. A. Here, the background checks  
15 performed on Uber’s drivers, potentially performed by Accurate, are central to Plaintiffs’ negligence  
16 claims, among others. *See* MCL ¶¶ 17, 160, 163, 165–66, 216, 365. Plaintiffs have sought complete  
17 records of the background checks performed from Uber through party discovery but because Uber has not  
18 produced all background checks for all drivers, for all years of activity, Plaintiffs need to obtain the  
19 background checks directly from the background check companies, which, in turn, requires a Court order.  
20 *See* 15 U.S.C. § 1681b(a)(1).

#### 21 CONCLUSION

22 For the foregoing reasons, Plaintiffs respectfully request that the Court enter an Order  
23 authorizing third party Accurate to produce consumer reports for the Subject Drivers in the identified  
24 cases, if in existence, generated on behalf of Defendant Uber Technologies, Inc.  
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26  
27  
28

1 Dated: June 11, 2025

Respectfully submitted,

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**FILER'S ATTESTATION**

I am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I attest that the signatories above concurred in this filing.

Dated: June 11, 2025

By: */s/ Samantha Hoefs*

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